

Senate Bill 606 (Burton) Chapter 745
Higher disposal fees on recyclable hazardous wastes

Effective January 1, 2000. Amends Sections 25160, 25165, 25175, and 25250.8 of, and adds Section 25250.26 to, the Health and Safety Code.

Among other things, this bill requires the Department of Toxic Substances Control (DTSC) to adopt regulations on or before January 1, 2002 that revise the list of specified hazardous wastes that they find are economically and technologically feasible to recycle either onsite or at an offsite commercial hazardous waste recycling facility in the state. This bill also imposes a disposal fee of five times the current disposal fee rates on a generator who does not recycle a hazardous waste after the generator receives a notice of the DTSC's findings that the hazardous waste is economically and technologically feasible to recycle. These higher fees will become effective on or before January 1, 2002 when the DTSC adopts its regulations.

Sponsor: Environmental Technology Council

Law Prior to Amendments:

Under current law, Section 25174.1 of the Health and Safety Code requires each person who disposes of hazardous waste in this state to pay a disposal fee at a rate based on the type of waste disposed. Section 25174.6 contains the different disposal fee rates applicable to each category of waste, i.e., mining waste, extremely hazardous waste, RCRA hazardous waste.

Current Section 25175 requires the Department of Toxic Substances Control (DTSC) to prepare and adopt a list of specified hazardous wastes which the DTSC finds are economically and technologically feasible to recycle, taking into consideration the quantities of, concentrations of, and potential contaminants in, these hazardous wastes, the number and location of recycling facilities, and the proximity of these facilities to hazardous waste producers. The DTSC may only list a hazardous waste as recyclable if at least one commercial recycler in California is ready, willing, and able to accept the hazardous waste for recycling at the time the hazardous waste is listed.

Failure to comply with an order by the DTSC to recycle the hazardous wastes subject to Section 25175 results in the assessment of the disposal fees imposed pursuant to Section 25174.1. The current law also authorizes the director of DTSC to establish fees for the disposal of hazardous waste determined to be recyclable in

amounts which may be up to two times the base fee paid under the annual fee schedule established by the director.

Comments:

1. **Purpose.** The purpose of this bill is to encourage the recycling of hazardous waste in California by requiring DTSC to examine and revise the current list of recyclable materials.
2. **The Board does not foresee any administrative problems with this measure.** The identification and adoption of the list of recyclable hazardous waste is the responsibility of the DTSC. The bill contains provisions that require the DTSC to inform a generator that its waste is required to be recycled. This notification would be used to impose the higher disposal fees on waste that the DTSC determines should be recycled. The Board does not anticipate any difficulties administering the disposal fee on recyclable hazardous wastes that are disposed.